

Attorney Docket No. 62101  
Serial No. 09/673,719

### REMARKS

#### 35 U.S.C. §103 Rejection

In the Office Action dated May 17, 2004, claims 1, 11, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Skopp et al (US 6,256,739), hereinafter referred to as Skopp, in view of Itabashi et al. (US 6,308,203), hereinafter referred to as Itabashi. The rejection is respectfully traversed for the following reasons.

The Examiner states that Skopp disclosed a system operable to identify and access information about a user of a distributed communication system wherein the system comprises several elements of Applicant's claim 1 with the exception of the at least one control means, which would be an obvious modification with the teachings of Itabashi to allow sending identifying information via the Internet to the control means because this would free the user from inputting the same personal information every time a user accesses a service. Applicant respectfully disagrees because the method Itabashi teaches to achieve this is different from the present invention.

Itabashi's method enables personal information of a user to be provided to a service provider (such as an online seller or business) through the Internet without the user having to manually enter their personal information every time. For example, when a user accesses a service provider (114 or 116 of Fig. 1 which is e.g. a business providing a service that the user desires) through the Internet from his/her terminal device or computer, the service provider device (i.e. the computer server of the seller) transmits a request to the user's terminal device to enter the user's personal information (Abstract, col.1 line 64 to col. 2 line 66). The server reads the requested personal information from a separate user profile database (115 of Fig. 1) which is transferred to the service provider device (the seller's server) thus removing the need for the user to provide it himself.

In contrast, the present invention provides a method and system for identifying and obtaining a user's identifying information that does not require explicit user intervention by log-in procedures or stored data on the user's computer, as stated on page 2, lines 5-6

Page 11 of 13

Attorney Docket No. 62101  
Serial No. 09/673,719

and 17-19 in the description. For example and with reference to Fig. 3, when the computer user accesses a website from a service provider (seller or business) from the Internet, if the seller's website cannot initially determine the user's identity the website sends a request for the user's identifying information to a third party entity via the Internet for retrieval from a storage device (102) containing a database. If the user's identifying information is included or updated it is sent to the seller's website. If the user's identifying information is not included or not updated in the storage device then information is obtained from the Internet access provider (generally referred to as ISP) associated with the user's present session. The information is used to update the storage device in which the user's identifying information is provided to the seller's website via the third party entity.

The procedure of the present invention is different from the Itabashi method since information is NOT obtained from the Internet access provider associated with the user to update the database, which is then provided to the seller. In point 11 and 13 in the Office Action the Examiner appears to erroneously equate the service provider (i.e. online seller 114 and 116 of Fig. 1) in Itabashi with the Internet access provider (105a of Fig. 3) used by the user in the present invention. There is no teaching or suggestion in Itabashi or Skopp to obtain the user identifying information from the ISP in the manner claimed in the present invention. In view of the foregoing, withdrawal of the 35 U.S.C. §103 rejection is respectfully requested.

#### Claim amendments

In response to Applicant's previous arguments the Examiner stated that the objective relating to the method for obtaining the user's identifying information without requiring the user's intervention e.g. in the form of log-in procedures or data stored on the user's computer (e.g. cookies) was not given patentable weight because it was recited in the preamble. In response, claims 1, 11, and 28 were amended to include the limitation in the body of the claims. Therefore, Applicant maintains that the rejection of the dependent

Attorney Docket No. 62101  
Serial No. 09/673,719

claims 2-10, 12-27, and 29-30 based on the citation of Skopp in combination with Tran is not appropriate in view of the objective of the present invention as stated in the claims. Accordingly, the Applicant submits that the dependent claims are patentable for at least those reasons outlined for the independent claims from which they depend, and withdrawal of the 35 U.S.C. §103 rejection is respectfully requested.

Furthermore, claim 28 was amended to make it clear that the information from the Internet access provider (105a) is used to update the storage device for forwarding to the seller's website via the third party entity, as described on page 7, lines 26-32 and shown in Fig. 1.

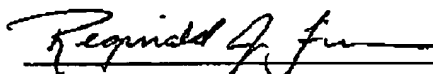
Accordingly, the Applicant submits that all claims are patentable over the cited art and requests that all rejections of record be withdrawn. Allowance of this application is earnestly solicited.

The Commissioner is hereby authorized to debit additional claims fees or any other outstanding fees from Deposit Account 501249 and credit any overpayment to the same.

Should any questions arise in connection with this application, the undersigned can be contacted at the contact information provided below.

Respectfully submitted,  
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